

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1352 Session of
2011

INTRODUCED BY GORDNER, BAKER, FARNESE, FERLO, FONTANA, SOLOBAY,
TARTAGLIONE AND RAFFERTY, DECEMBER 13, 2011

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, APRIL 3, 2012

AN ACT

1 Amending the act of December 21, 1984 (P.L.1253, No.238),
2 entitled "An act regulating the practice of speech-language
3 pathologists, audiologists and teachers of the hearing
4 impaired; creating the State Board of Examiners in Speech-
5 Language and Hearing with certain powers and duties; and
6 prescribing penalties," further providing for title of act,
7 for short title, for declaration of policy, for definitions,
8 for creation of board, appointment and term of members and
9 officers, for powers and duties of board, for license
10 required and persons and practices not affected and
11 exclusions, for requirements for licensure, for application
12 and fees, for examinations, for refusal to issue and
13 revocation, for requirement of a medical examination, for
14 renewal fees and records, for limitation of renewal time and
15 new license and for certification to the board; providing for
16 use of title; and further providing for enforcement of
17 certification to board, for impaired professionals, for
18 penalties, for injunction against lawful practice and for
19 appropriation.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The title and sections 1, 2, 3 and 4 of the act
23 of December 21, 1984 (P.L.1253, No.238), known as the Speech-
24 Language and Hearing Licensure Act, are amended to read:

25 An Act

26 Regulating the practice of speech-language pathologists[,] and

1 audiologists [and teachers of the hearing impaired]; creating
2 the State Board of Examiners in Speech-Language [and Hearing]
3 Pathology and Audiology with certain powers and duties; and
4 prescribing penalties.

5 Section 1. Short title.

6 This act shall be known and may be cited as the Speech-
7 Language [and Hearing] Pathologists and Audiologists Licensure
8 Act.

9 Section 2. Declaration of policy.

10 It is declared to be the policy of the Commonwealth that the
11 practice of speech-language pathology and the practice of
12 audiology are privileges granted to qualified persons and that,
13 in order to safeguard the public health, safety and welfare; to
14 protect the public from being misled or receiving treatment by
15 incompetent, unscrupulous and unauthorized persons; to protect
16 the public from unprofessional conduct [on the part of] by
17 qualified speech-language pathologists[,] and audiologists [and
18 teachers of the hearing impaired]; and to assure the
19 availability of the highest possible quality of speech-language
20 [and hearing] pathology and audiology services to the
21 [communicatively handicapped] people of this Commonwealth, it is
22 necessary to [regulate persons offering speech-language and
23 hearing services to the public and persons functioning under the
24 direction of these specialists] provide regulatory authority
25 over persons offering speech-language pathology and audiology
26 services to the public.

27 Section 3. Definitions.

28 The following words and phrases when used in this act shall
29 have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Audiologist." Any person who is qualified by [training and
2 experience] education, training and clinical experience and is
3 licensed under this act to engage in the practice of [the
4 evaluation, counseling, habilitation and rehabilitation of
5 individuals whose communicative disorders center in whole or in
6 part in the hearing function. For the purposes of this paragraph
7 the words "habilitation" and "rehabilitation" include, but are
8 not limited to, hearing aid evaluation, fitting, recommendation,
9 speech reading, auditory training and similar activities. A
10 person is deemed to be or to hold himself out as being an
11 audiologist if he offers such services to the public under any
12 title incorporating the words audiology, audiologist,
13 audiological consultant, aural rehabilitationist, hearing
14 audiologist or any similar title or description of service]
15 audiology. The audiologist is an independent practitioner
16 providing services in hospitals, clinics, schools, private
17 practices and other settings in which audiologic services are
18 relevant. A person is deemed to be, or to hold himself out as
19 being, an audiologist if he offers such services to the public
20 under any title incorporating the terms "audiology,"
21 "audiologist," "audiological consultant," "hearing aid
22 audiologist" or any variation, synonym, coinage or similar title
23 that expresses, employs or implies these terms, names or
24 functions.

25 "Board." The State Board of Examiners in Speech-Language
26 [and Hearing] Pathology and Audiology.

27 "Person." Any individual, organization, association,
28 partnership, company, trust or corporate body, except that [any]
29 only individuals can be licensed under this act. Any reference
30 in this act to a licensed person shall mean a natural individual

1 person.

2 "Practice of audiology." The application of principles,
3 methods and procedures related to disorders of the auditory and
4 vestibular systems. Areas of audiology practice include the
5 following:

6 (1) prevention of hearing loss by designing,
7 implementing and coordinating industrial, school and
8 community-based hearing conservation programs;

9 (2) identification of dysfunction of hearing, balance
10 and other auditory-related systems by developing and
11 overseeing hearing and balance-related screening programs for
12 persons of all ages, including newborn and school screening
13 programs;

14 (3) administration of speech or language screening or
15 other measures for the purpose of initial identification and
16 referral of persons with other communicative disorders;

17 (4) assessment and ~~diagnosis~~ NONMEDICAL DIAGNOSIS AND ←
18 TREATMENT of hearing and vestibular disorders through the
19 administration of behavioral, psychoacoustic,
20 electrophysiologic tests of the peripheral and central
21 auditory and vestibular systems using standardized test
22 procedures, including, but not limited to, audiometry,
23 tympanometry, acoustic reflex measures, otoacoustic
24 emissions, auditory evoked potentials, video and
25 electronystagmography and tests of central auditory function
26 using calibrated instrumentation leading to the diagnosis of
27 auditory and vestibular DYSFUNCTION abnormality; ←

28 (5) assessment of candidacy of persons with hearing loss
29 for cochlear implants;

30 (6) NONMEDICAL treatment for persons with impairment of ←

auditory function utilizing amplification and other assistive devices;

(7) selection, fitting, evaluation and dispensing of hearing aids and other amplification systems;

(8) fitting and mapping of cochlear implant devices and audiologic rehabilitation to optimize device use;

(9) fitting of middle ear implantable hearing aids, fully implantable hearing aids and bone-anchored hearing aids;

(10) conducting otoscopic examinations and removing cerumen;

(11) NONMEDICAL treatment of persons with tinnitus using techniques including biofeedback, masking, hearing aids, education and counseling;

(12) counseling on the psychosocial aspects of hearing loss and the use of amplification systems;

(13) administration of electrophysiologic measures of neural function, including, but not limited to, sensory and motor-evoked potentials, tests of nerve conduction velocity and electromyography, plus preoperative and postoperative evaluation of neural function, neurophysiologic intraoperative monitoring of the central nervous system, spinal cord and cranial nerve function; and

(14) referral of persons with auditory and vestibular DYSFUNCTION abnormalities to an appropriate physician for medical evaluation when indicated based upon the interpretation of the audiologic and vestibular test results.

"Speech-language pathologist." Any person who is qualified by training and experience to engage in the practice of the evaluation, counseling, habilitation and rehabilitation of

1 individuals whose communicative disorders involve the function
2 of speech, voice or language. A person is deemed to be or to
3 hold himself out as being a speech-language pathologist if he
4 offers such services under any title incorporating the words
5 speech-language pathologist, speech consultant, speech
6 therapist, speech correctionist, speech clinician, speech
7 specialist, language pathologist, logopedist, communication
8 therapist, voice therapist, aphasia therapist, aphasiologist,
9 communicologist, or any similar title or description of service.

10 †"Teacher of the hearing impaired." Any person who is ←
11 qualified by training and experience to engage in the practice
12 of providing evaluation and instruction in curriculum-based
13 material and communication skills appropriate for individuals
14 whose cognitive and educational development have been affected
15 primarily by impaired hearing sensitivity. A person is deemed to
16 be or to hold himself out as being a teacher of the hearing
17 impaired if he offers such services under any title
18 incorporating the words teacher of the hearing impaired, teacher
19 of the acoustically handicapped, teacher of the deaf, teacher of
20 the acoustically impaired, hearing teacher, teacher of the
21 aurally handicapped, hearing tutor, tutor of the auditorily
22 impaired, educator of the deaf or any similar title or
23 description of service.† ←

24 Section 4. Creation of board; appointment and term of members;
25 officers.

26 †(a) Board created.--There is hereby created a departmental ←
27 administrative board to be known as the State Board of Examiners
28 in Speech-Language [and Hearing] PATHOLOGY AND AUDIOLOGY which ←
29 shall be in the Bureau of Professional and Occupational Affairs
30 of the Department of State. It shall consist of ten members,

1 nine of whom shall be appointed by the Governor, by and with the
2 advice and consent of a majority of the members elected to the
3 Senate, who shall be residents of Pennsylvania for a three-year
4 period immediately prior to appointment. The Commissioner of
5 Professional and Occupational Affairs shall serve in his
6 official capacity as the tenth member of the board. At the first
7 meeting, the appointed members shall determine, by lot, three
8 members to serve three-year terms, three members to serve two-
9 year terms and three members to serve one-year terms, with the
10 exception of the commissioner.

11 (b) Vacancies.--When the term of each appointed member of
12 the board ends, the Governor shall appoint his successor for a
13 term of three years, by and with the advice and consent of a
14 majority of the members elected to the Senate. Any appointive
15 vacancy occurring on the board shall be filled by the Governor
16 by appointment for the unexpired term, by and with the advice
17 and consent of a majority of the members elected to the Senate.
18 Board members shall continue to serve until their successors are
19 appointed and qualified but not longer than six months beyond
20 the three-year period.

21 (c) Qualifications of board.--The board shall consist of the
22 Commissioner of the Bureau of Professional and Occupational
23 Affairs, one member who at the time of appointment is engaged in
24 rendering professional services in speech-language pathology,
25 one member who at the time of appointment is engaged in
26 rendering professional services in audiology, one member who at
27 the time of appointment is engaged in rendering professional
28 services as a teacher of the hearing impaired, two members at
29 large who are either speech-language pathologists, audiologists
30 or teachers of the hearing impaired, however, each profession

1 shall not be represented by more than two board members, [two
2 members who are physicians] ONE MEMBER WHO IS A PHYSICIAN
3 licensed to practice medicine in this Commonwealth[, at least
4 one of whom] WHO specializes in otolaryngology, and two members
5 of the public appointed by the Governor from nominations
6 submitted by the governing boards of groups advocating for the
7 welfare of the speech-language and hearing handicapped. Of the
8 initial members, the speech-language pathologists, audiologists
9 and teachers of the hearing impaired shall possess the necessary
10 qualifications for licensure under this act. Thereafter, the
11 members of the board who are speech-language pathologists,
12 audiologists and teachers of the hearing impaired shall be
13 licensed under this act. No public member appointed under the
14 provisions of this section shall be affiliated in any manner
15 with professions or occupations providing health or corrective
16 communications services or products to communicatively impaired
17 persons. The public members shall be qualified pursuant to law,
18 including section 813 of the act of April 9, 1929 (P.L.177,
19 No.175), known as The Administrative Code of 1929. In addition,
20 no member of the board shall at the same time be an officer or
21 agent of any Statewide association or organization representing
22 the professions or occupations under the jurisdiction of this
23 board.

24 (d) Reappointment.--A member of the board shall be eligible
25 for reappointment. A member shall not be appointed to serve more
26 than two consecutive terms.

27 (e) Compensation; expenses.--The members of the board, other
28 than the Commissioner of Professional and Occupational Affairs,
29 shall receive reimbursement for reasonable travel, hotel and
30 other necessary expenses and \$60 per diem when actually engaged

1 in the performance of their official duties.

2 (f) Meetings of board.--The board shall hold a meeting
3 within 150 days after the effective date of this act and
4 annually thereafter in the month prescribed by the board and
5 elect a chairman, vice chairman and secretary who shall be
6 members of the board. The board shall meet at such other times
7 as deemed necessary and advisable by the chairman or by a
8 majority of its members. Reasonable notice of all meetings shall
9 be given in the manner prescribed by the board. A majority of
10 the board shall constitute a quorum at any meeting or hearing.† ←

11 ~~(a) Board created. There is hereby created a departmental~~
12 ~~administrative board to be known as the State Board of Examiners~~
13 ~~in Speech Language Pathology and Audiology which shall be in the~~
14 ~~Bureau of Professional and Occupational Affairs of the~~
15 ~~Department of State. The board shall consist of ten members,~~
16 ~~nine of whom shall be appointed by the Governor, by and with the~~
17 ~~advice and consent of a majority of the members elected to the~~
18 ~~Senate, who shall be residents of Pennsylvania for a three year~~
19 ~~period immediately prior to their appointment. The Commissioner~~
20 ~~of Professional and Occupational Affairs shall serve in his~~
21 ~~official capacity as the tenth member of the board.~~

22 ~~(b) Composition. The board shall consist of three~~
23 ~~audiologists who are currently practicing audiology, have had~~
24 ~~five years' experience practicing audiology and who hold active~~
25 ~~and valid licensure for the practice of audiology in this~~
26 ~~Commonwealth, three speech language pathologists who are~~
27 ~~currently practicing speech language pathology, have had five~~
28 ~~years' experience practicing speech language pathology and who~~
29 ~~hold active and valid licensure for the practice of speech~~
30 ~~language pathology in this Commonwealth, one physician licensed~~

~~to practice medicine in this Commonwealth, two representatives of the public who are not associated with or financially interested in the practice or business of audiology, of speech language pathology or of medicine and who are not members of allied or related professions or occupations, and the Commissioner of the Bureau of Professional and Occupational Affairs. The public members shall be qualified pursuant to law, including section 813 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. In addition, no member of the board shall at the same time be an officer or agent of any Statewide association or organization representing the professions or occupations under the jurisdiction of the board.~~

~~(c) Appointments. Appointments of audiologists to the board shall be made by the Governor from a list of qualified audiologists submitted by the Pennsylvania Academy of Audiology (PAA) and names submitted by other interested organizations or persons in this Commonwealth. Appointments of speech language pathologists shall be made by the Governor from a list of qualified speech language pathologists submitted by the Pennsylvania Speech Language Hearing Association (PSHA) and names submitted by other interested organizations or persons in this Commonwealth. No member of the board shall at the same time serve in an elected, appointed or employed position in any national, State or local level organization representing audiologists, speech language pathologists or physicians, which present or may present a conflict of interest.~~

~~(d) Terms. Appointments to the board shall be for a period of three years. Members shall serve until the expiration of the term for which they have been appointed or until their~~

~~successors have been appointed and are deemed to be qualified to serve on the board. The Governor may remove any member of the board for unprofessional conduct, incompetence or neglect of duty.~~

~~(e) Vacancies. When the term of each appointed member of the board ends, the Governor shall appoint his successor for a term of three years, by and with the advice and consent of a majority of the members elected to the Senate. In the event of a vacancy in the office of an appointed member of the board other than by expiration of a term, the Governor shall appoint a qualified person to fill the vacancy for the unexpired term, by and with the advice and consent of a majority of the members elected to the Senate. Board members shall continue to serve until their successors are appointed and qualified but not longer than six months beyond the three year period.~~

~~(f) Reappointment. A member of the board shall be eligible for reappointment. No member may serve more than two consecutive three year terms.~~

~~(g) Compensation and expenses. The members of the board, other than the Commissioner of Professional and Occupational Affairs, shall receive reimbursement for reasonable travel, hotel and other necessary expenses and \$100 per diem when actually engaged in the performance of their official duties.~~

~~(h) Meetings of board. The board shall hold a meeting within 150 days after the effective date of this section and annually thereafter in the month prescribed by the board to elect a chairman, vice chairman and secretary who shall be members of the board. The board shall meet at such other times as deemed necessary and advisable by the chairman or by a majority of its members. Reasonable notice of all meetings shall~~

~~be given in the manner prescribed by the board. Six members of the board shall constitute a quorum to do business, provided that the majority of members present are audiologists and speech language pathologists, and that at least one audiologist, one speech language pathologist and one public representative are present at any meeting or hearing. The board shall conduct its meetings and keep records of its proceedings in accordance with the provisions of 1 Pa. Code Pt. II (relating to general rules of administrative practice and procedure).~~

~~(i)~~ (G) Forfeiture.--A member of the board who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

Section 2. Section 5 of the act, amended October 18, 2000 (P.L.536, No.71), is amended to read:

Section 5. Powers and duties of board.

The board shall have the power and its duties shall be:

(1) To approve the qualifications and fitness of applicants for licensure, and to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of a license.

(2) To adopt and revise rules and regulations consistent with the law as may be necessary to implement the provisions of this act. [These rules and regulations shall include, but not be limited to, codes of ethics for speech-language pathologists, audiologists and teachers of the hearing impaired. The codes of ethics shall provide further that,

1 whereas speech-language pathologists, audiologists and
2 teachers of the hearing impaired provide nonmedical and
3 nonsurgical services, medical diagnosis and medical treatment
4 by these persons are specifically to be considered unethical
5 and illegal.]

6 (3) To examine for, deny, approve, issue, revoke,
7 suspend or renew the licenses of speech-language
8 ~~pathologist, audiologist and teacher of the hearing impaired~~ ←
9 ~~applicants]~~ ~~pathologists and audiologists, and provisional~~ ←
10 licenses for speech language pathologists and audiologists. ←

11 (4) To conduct hearings upon complaints of violations of
12 this act and the rules and regulations adopted pursuant to
13 this act, and to prosecute and enjoin all such violations.

14 (5) To spend funds necessary for the proper performance
15 of its assigned duties in accordance with the fiscal and
16 other laws of this Commonwealth and upon approval by the
17 Commissioner of Professional and Occupational Affairs.

18 (6) To waive examination and educational requirements
19 and grant a license as provided in sections 6 and 7.

20 (7) To establish standards of eligibility for license
21 renewal. These standards shall include, but not be limited
22 to, the demonstration of satisfactory completion of 20 clock
23 hours of continuing education related to the practice of
24 speech-language pathology~~+, +~~ ~~and~~ audiology ~~for teaching the~~ ←
25 ~~hearing impaired]~~ in accordance with board regulations. No ←
26 credit may be given for courses in office management or
27 practice building. The board may waive all or part of the
28 continuing education requirement to a licensee who shows to
29 the satisfaction of the board that the licensee was unable to
30 complete the requirement due to illness, emergency or

1 hardship. The request for a waiver must be made in writing,
2 with appropriate documentation, and must include a
3 description of the circumstances sufficient to show why a
4 licensee is unable to comply with the continuing education
5 requirement. Waiver requests shall be evaluated by the board
6 on a case-by-case basis. The board shall send the licensee
7 written notification of its approval or denial of a waiver
8 request. The requirement to demonstrate the satisfactory
9 completion of continuing education shall begin with the
10 biennial renewal period to be designated by regulation of the
11 board and following written notice to licensees.

12 (8) To promulgate rules and regulations regarding
13 persons functioning under the direction of audiologists~~†,† or~~ ←
14 speech-language pathologists ~~†and~~ teachers of the hearing ←
15 impaired~~†~~. ←

16 (9) To recognize national professional organizations in
17 audiology that have established definitions of the practice
18 of audiology. These organizations shall be the same as those
19 recognized by the board under the provisions of section 7(b)
20 (2). The board shall have the power to adopt those
21 definitions to be the practical definitions of the practice
22 of audiology for licensees under the board. If one or more of
23 the recognized national professional organizations amends its
24 definition, the amended definition cannot be added to the
25 practice of audiology until it has been adopted by the board
26 through regulation.

27 (10) To recognize national accrediting agencies which
28 accredit programs of audiology as specified in section
29 7(a)(2).

30 Section 3. Sections 6, 7 and 8 of the act are amended to

1 read:

2 Section 6. License required; persons and practices not
3 affected; exclusions.

4 (a) Licenses.--[Except as provided in subsection (b), no
5 person may practice or hold himself out as being able to
6 practice as an audiologist, speech-language pathologist or
7 teacher of the hearing impaired in this Commonwealth unless he
8 holds a current, unsuspended, unrevoked license issued by the
9 board. Licensure shall be granted separately in speech-language
10 pathology, audiology and teaching of the hearing impaired.]

11 Except as provided in subsection (b), no person may practice or
12 hold himself out as being able to practice as an audiologist or ←
13 speech-language pathologist, or may engage in the practice of ←
14 speech language pathology or the practice of audiology in this
15 Commonwealth unless he holds a current, unsuspended, unrevoked
16 license issued by the board. Licensure shall be granted
17 separately in speech-language pathology and audiology. ←
18 Terminology that approximates speech-language pathology or ←
19 audiology without a current, unsuspended, unrevoked license
20 issued by the board that may confuse the public or falsify the
21 credentials of the individual or company shall constitute a
22 violation of this act.

23 (b) Exclusions.--Nothing in this act shall be construed as
24 preventing or restricting:

25 (1) Any person licensed or registered in this
26 Commonwealth from engaging in the profession or occupation
27 for which he is licensed or registered, including:

28 (i) A physician or surgeon engaged in the practice
29 of medicine.

30 (ii) A licensed physician or surgeon or a trained

1 individual under the direction of a licensed physician
2 doing hearing testing in the office or clinic of the
3 physician.

4 (iii) A hearing aid fitter engaged in the business
5 of selling and fitting hearing aids, and a hearing aid
6 dealer engaged in the sale of hearing aids, as provided
7 in the act of November 24, 1976 (P.L.1182, No.262), known
8 as the Hearing Aid Sales Registration Law.

9 (2) A person who holds a valid credential issued by the
10 Department of Education in the area of speech or hearing and
11 who is employed in public or private elementary and secondary
12 schools or institutions chartered by the Commonwealth, or a
13 person who is employed by the Commonwealth or the Federal
14 Government as a speech-language pathologist~~†,†-or~~ audiologist ←
15 ~~†for teacher of the hearing impaired†~~ from engaging in his ←
16 profession or occupation, if the person performs his services
17 solely within the scope of his employment, or a person
18 performing hearing testing under section 1402 of the act of
19 March 10, 1949 (P.L.30, No.14), known as the Public School
20 Code of 1949.

21 (3) The activities of a student or trainee who is
22 pursuing a program of study supervised by a person licensed
23 under this act or otherwise exempt by this section which lead
24 to a degree in audiology~~†, teaching the hearing impaired or~~ ←
25 ~~speech-language pathology at†-from~~ an accredited college or ←
26 university, if such individual is designated by a title
27 clearly indicating his student or training status.

28 (4) The practice of speech-language pathology~~†,†-or~~ ←
29 audiology ~~†for teaching the hearing impaired†~~ in this ←
30 Commonwealth by any person not a resident of this

1 Commonwealth who is not licensed under this act if the person
2 meets the qualifications and requirements for licensure
3 described in section 7, or who is licensed under the law of
4 another state having licensure requirements determined by the
5 board to be at least equivalent to those established by
6 section 7, and if the services are performed for no more than
7 five days in any calendar year in cooperation with a speech-
8 language pathologist~~†,†-or~~ audiologist ~~for teacher of the~~ ←
9 hearing impaired~~†~~ licensed under this act. ←

10 (5) A corporation, partnership, trust, association,
11 company or other similar form of organization from engaging
12 in the practice of speech-language pathology~~†,†-or~~ audiology ←
13 ~~for teaching the hearing impaired†~~ without a license if it ←
14 employs licensed individuals in the direct practice of
15 speech-language pathology~~†,†-or~~ audiology ~~for teaching the~~ ←
16 hearing impaired~~†~~ ~~licensed under this act.~~ ←

17 Section 7. Requirements for licensure.

18 (a) In general.--Except as provided in subsections (b) and
19 (c), to be eligible for licensure by the board as a speech-
20 language pathologist~~†,†-or~~ audiologist ~~for teacher of the~~ ←
21 hearing impaired~~†~~, an applicant shall pay a fee as established ←
22 by the board in accordance with section 8(a), be of good moral
23 character to the satisfaction of the board, pass an examination
24 and:

25 (1) For the license in speech-language pathology,
26 possess a master's degree in speech-language pathology or its
27 equivalent from an accredited academic institution. In
28 addition, the applicant must have at least one year of
29 supervised professional experience in the field of speech-
30 language pathology.

1 (2) For the license in audiology, possess a master's
2 degree or doctoral degree in audiology [or its equivalent]
3 from an [accredited academic institution. In addition, the
4 applicant] academic program accredited by an accrediting
5 agency approved by the board and the United States Department
6 of Education or the Council for Higher Education
7 Accreditation under standards pursuant to this act. Master's
8 degree applicants must have at least [one year] nine months
9 of supervised professional experience in the field of
10 audiology. Beginning January 1, 2014, all new applicants must
11 possess a doctoral degree in audiology as determined by the
12 board.

13 †(3) For licensure as a teacher of the hearing impaired, ←
14 possess a master's degree in education of the hearing
15 impaired or its equivalent from an accredited academic
16 institution. In addition, the applicant must have at least
17 one year of supervised professional experience in the field
18 of teaching the hearing impaired.† ←

19 (b) Waivers.--The board may waive the examination and
20 educational requirements for any of the following:

21 (1) Applicants who present proof of [current
22 certification or licensure] a currently valid license to
23 practice ~~speech language pathology or~~ audiology in a state ←
24 which has standards determined by the board to be at least
25 equal to those for licensure in this Commonwealth.

26 (2) Applicants who hold a currently valid and
27 appropriate Certificate of Clinical Competence from the
28 Council [of Professional Standards] for Clinical
29 Certification of the American [Speech-Language and Hearing]
30 Speech-Language-Hearing Association or certification from a

national credentialing organization that is recognized by the
board from standards pursuant to this act. Notice of
standards shall be published in the Pennsylvania Bulletin.

†(3) Applicants who hold a currently valid professional
certificate issued by the Council on Education of the Deaf in
compliance with its standards for the certification of
teachers of the hearing impaired and who have completed an
additional ten graduate academic credits established by the
board to be appropriate for licensure as a teacher of the
hearing impaired.†

(c) Requirements for current practitioners.--The board shall
waive the examination and educational requirements for any
applicant who, on the effective date of this act:

(1) has at least a ~~†bachelor's†~~ ~~master's~~ degree with a
major in speech-language pathology†, ~~†or~~ audiology for
teaching the hearing impaired† from an accredited college or
university, and who has been employed as a speech-language
pathologist†, ~~†or~~ audiologist for teacher of the hearing
impaired† for at least nine consecutive months within three
years prior to the effective date of this act; and

(2) files an application with the board providing bona
fide proof of the degree and employment together with the
application fee prescribed in section 8.

(d) Provisional licenses.--

(1) The board may, in accordance with the provisions of
this section, issue a provisional license in ~~speech-language~~
~~pathology or~~ audiology to applicants who have met all of the
requirements for licensure under this act except for the
completion of the clinical fellowship necessary to receive
either the Certificate of Clinical Competence from the

Council For Clinical Certification of the American Speech-
Language-Hearing Association or certification from another
national credentialing organization as recognized by the
board pursuant to section 7(b)(2). In order to receive the
license, the applicant must submit an application for the
provisional license to the board on a form prescribed by the
board. The form must indicate the applicant's plans for
completing the clinical fellowship and must be accompanied by
an application fee determined by the board. A provisional
license issued under this section shall be valid for a
maximum of 18 months and may be renewed one time. The purpose
of the provisional license is solely to allow individuals to
practice ~~speech language pathology or~~ audiology under
appropriate supervision while completing the postgraduate
professional experience required for certification under
section 7(b)(2). A person holding a provisional license is
authorized to practice ~~speech language pathology or~~ audiology
only while working under the supervision of a person fully
licensed in this Commonwealth in accordance with this act.

(2) Any person who is qualified by education, training
and clinical experience by completing all educational
requirements, including the externship of an Au.D. Program
may hold a provisional license, provided that the provisional
license shall only be valid for six months from the time of
application for the permanent license.

(3) A person holding a valid license in another state to
practice ~~speech language pathology or~~ audiology and who has
applied for a license in this Commonwealth under the
provisions of this act may practice ~~speech language pathology~~
~~or~~ audiology while working under the supervision of a person

fully licensed in this Commonwealth for not more than 90 days
while awaiting approval of the license application.

Section 8. Application and fees.

(a) Fee.--An application for [examination and] license shall be accompanied by a nonrefundable application [and examination] fee in an amount established by the board by regulation and shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a two-year period, the board shall increase those fees by regulation, subject to review in accordance with the Regulatory Review Act, such that the projected revenues will meet or exceed projected expenditures.

If the Bureau of Professional and Occupational Affairs determines that fees established by the board are inadequate to meet the minimum enforcement efforts required, then the bureau, after consultation with the board, shall increase the fees by regulation, subject to review in accordance with the Regulatory Review Act, such that adequate revenues are raised to meet the required enforcement effort.

(b) Affidavit.--Each application shall be accompanied by an affidavit or affirmation of the applicant as to its verity. Any applicant who knowingly or willfully makes a false statement in his application shall be subject to prosecution for perjury.

(c) Examinations.--The board shall offer at least two examinations for licensure each year. Notice of examinations shall be given at least 60 days prior to their administration.

(d) Record of examination scores.--The board shall maintain a permanent record of all examination scores.

1 (e) Disposition and use of fees.--Fees shall be collected by
2 the board through the Bureau of Professional and Occupational
3 Affairs and shall be paid into the Professional Licensure
4 Augmentation Account established pursuant to and for use in
5 accordance with the act of July 1, 1978 (P.L.700, No.124), known
6 as the Bureau of Professional and Occupational Affairs Fee Act.

7 Section 4. Section 9 of the act is repealed:

8 [Section 9. Examinations.

9 (a) Preparation of examinations.--All written examinations
10 shall be prepared and administered by a qualified professional
11 testing organization under contract with the Bureau of
12 Professional and Occupational Affairs and approved by the board,
13 except that national uniform examinations or grading services or
14 both shall be used if available. No board member shall have a
15 financial interest in a professional testing organization. This
16 section shall not apply to any oral, practical or other
17 nonwritten examination which may be required by the board.

18 (b) Cost of examinations.--The purpose of the examination
19 fee which is to be established in accordance with section 8(a)
20 is to insure that the applicant's fees cover the entire cost of
21 the examination and administration. Cost is all contractual
22 charges relating to the preparing, administering, grading and
23 recording of the examination.]

24 Section 5. Section 10 of the act is amended by adding a
25 paragraph to read:

26 Section 10. Refusal to issue; revocation; etc.

27 The board may refuse to issue and may suspend or revoke a
28 license of any person or applicant by a vote of at least a
29 majority of the members of the board for any of the following
30 reasons:

1 * * *

2 (7) The ~~speech language pathologist or~~ audiologist is ←
3 unable to practice his profession with reasonable skill and
4 safety because of illness, drunkenness, excessive use of
5 controlled substances, chemicals or other types of materials
6 or as the result of a mental or physical condition. In
7 enforcing this paragraph, the board shall, upon probable
8 cause, have the authority to compel a licensee to submit to a
9 mental or physical examination as designated by the board.
10 After notice, hearing, adjudication and appeal as provided
11 for in section 11, failure of a licensee to submit to such
12 examination when directed shall constitute an admission of
13 the allegations against him unless failure is due to
14 circumstances beyond his control, consequent upon which a
15 default and final order may be entered without the taking of
16 testimony or presentation of evidence. A licensee affected
17 under this paragraph shall at reasonable intervals be
18 afforded an opportunity to demonstrate that he or she can
19 resume a competent practice of ~~speech language pathology or~~ ←
20 audiology with reasonable skill and safety to patients.

21 Section 6. Sections 12, ~~13~~, AND 14 ~~and 16~~ of the act are ←
22 amended to read:

23 Section 12. Requirement of a medical examination.

24 [(a) Medical examination.--Before an audiologist initiates
25 aural rehabilitation for an individual, there shall be a medical
26 examination verifying that there are no diseases of the ear
27 requiring medical or surgical treatment.

28 (b) Waiver.--This section does not apply if an individual
29 signs a written waiver as set forth in this section. The waiver
30 must be read and explained in such a manner that the individual

1 will be thoroughly aware of the consequences of signing the
2 waiver. The waiver form shall read as follows:

3 I have been advised by (audiologist's name) that the
4 Commonwealth of Pennsylvania has determined that my best health
5 interest would be served if I had a medical examination by a
6 licensed physician before the initiation of aural
7 rehabilitation. I do not wish a medical examination before the
8 initiation of aural rehabilitation.

9 _____
10 Signature Date]

11 ~~A speech language pathologist or AN audiologist shall refer~~ ←
12 ~~patients who present with suspected medical conditions which may~~ ←
13 ~~require surgery or other medical services beyond the scopes~~ ←
14 ~~SCOPE of practice under this act for medical evaluation TO AN~~ ←
15 ~~APPROPRIATE PHYSICIAN WITHIN 30 DAYS.~~

16 ~~Section 13. Renewal fees; records.~~ ←

17 ~~Renewal of licenses shall be on a biennial basis. The fee for~~
18 ~~renewal of a license shall be as determined by the board in~~
19 ~~accordance with section 8(a). A record of all speech language~~
20 ~~pathologists[,] and audiologists [and teachers of the hearing~~
21 ~~impaired] licensed to practice in this Commonwealth shall be~~
22 ~~maintained in the office of the board and published at the~~
23 ~~discretion of the board. The board shall suspend any license for~~
24 ~~nonpayment of fees until the license is renewed properly.~~

25 Section 14. [Limitation of renewal time; new license] Continued
26 competency.

27 [Any person who fails to renew his license within five years
28 after the date of its expiration may not renew it, and it may
29 not be restored, reissued or reinstated thereafter, but the
30 person may apply for and obtain a new license if he meets the

requirements of this act] A renewal of a license shall not be granted more than five years after its expiration. A license shall be renewed after the five-year period only after a licensee has assured continued competency to practice speech language pathology or audiology in accordance with regulations established by the board.

~~Section 16. Certification to the board.~~

~~Every organization or corporation which engages in the practice of speech language pathology[,] or audiology [or teaching of the hearing impaired] by the employment of individuals licensed under the provisions of this act shall file with the board, on a form approved by the board, a certification that it submits itself to the rules and regulations of the board and the provisions of this act which the board shall consider applicable to it.~~

Section 7. The act is amended by adding a section to read:

Section 16.1. Title.

A licensed audiologist who holds a doctoral degree in audiology or a related field may use the title "Doctor" or "Dr." on written materials only if the earned doctoral designation abbreviation accompanies the licensee's name. A licensee who is not also licensed to practice medicine or osteopathy in this Commonwealth may not attach to his name or use as a title the words or abbreviations "Doctor" or "Dr." in contravention of this section, "M.D.," "physician," "surgeon," "D.O." or any word or abbreviation that suggests that the licensee practices medicine or osteopathy.

~~Section 8. Section 17 of the act is amended to read:~~

~~Section 17. Enforcement of certification to board.~~

~~No license or renewal of license shall be issued by the board~~

~~to any individual engaging in the practice of speech language pathology[,], or audiology [or teaching of the hearing impaired] with a corporation, partnership, trust, association, company or other similar forms of organization which have failed to comply with section 16.~~

~~Section 9. Section 17.1(f)(2) of the act, added October 18, 2000 (P.L.536, No.71), is amended to read:~~

~~Section 17.1. Impaired professionals.~~

~~***~~

~~(f) Mandatory reporting to board.~~

~~***~~

~~(2) Any person or facility who acts in a treatment capacity to an impaired speech language pathologist[,], or audiologist [or as a teacher of the hearing impaired] in an approved treatment program shall be exempt from the mandatory reporting requirements of this subsection. Any person or facility who reports under this subsection in good faith and without malice shall be immune from any civil or criminal liability arising from the report.~~

~~***~~

~~Section 10 8. Sections 18 and 19 of the act are amended to read:~~

~~Section 18. Penalties.~~

~~(a) Whoever violates any provision of this act is guilty of a misdemeanor, shall be prosecuted by the board or its agents and, upon conviction, shall be sentenced to imprisonment for not more than six months or to pay a fine of not less than \$100 nor more than \$1,000, or both. Each violation shall be deemed a separate offense. Fines collected under the provisions of this act shall be paid into the State Treasury for the use of the~~



1 Commonwealth.

2 (b) In addition to any other civil remedy or criminal
3 penalty provided for in this act, the board, by a vote of the
4 majority of the maximum number of the authorized membership of
5 the board as provided by law, may levy a civil penalty of up to
6 \$10,000 on any current licensee who violates any provision of
7 this act, or on any person who practices as a speech-language
8 pathologist or audiologist or holds himself forth as a speech-
9 language pathologist or audiologist without being properly
10 licensed to do so under this act. The board shall levy this
11 penalty only after affording the accused party the opportunity
12 for a hearing as provided in 2 Pa.C.S. (relating to
13 administrative law and procedure).

14 Section 19. Injunction against unlawful practice.

15 [After 12 months from the effective date of this act, it] It
16 shall be unlawful for any person to practice or attempt to offer
17 to practice audiology[,] or speech-language pathology [or
18 teaching the hearing impaired] without holding a valid unrevoked
19 and unsuspended license issued under this act. The unlawful
20 practice of audiology[,] or speech-language pathology [or
21 teaching the hearing impaired] may be enjoined by the courts on
22 petition of the board or its agents. In any proceeding it shall
23 not be necessary to show that any person is individually injured
24 by the complained of actions. If the respondent is found guilty
25 of the unlawful practice, the court shall enjoin him from
26 practicing until he has been duly licensed. Procedure in these
27 cases shall be the same as in any other injunction suit. The
28 remedy by injunction is in addition to criminal prosecution and
29 punishment.

30 Section ~~11~~ 9. Section 20 of the act is repealed:



1 [Section 20. Appropriation.

2 The sum of \$75,000, or as much thereof as may be necessary,
3 is hereby appropriated from the Professional Licensure
4 Augmentation Account within the General Fund to the Bureau of
5 Professional and Occupational Affairs in the Department of State
6 for the establishment and operation of the State Board of
7 Examiners in Speech-Language and Hearing. The appropriation
8 granted shall be repaid by the board within three years of the
9 beginning of issuance of licenses by the board.]

10 Section ~~12~~ 10. This act shall take effect in 60 days.

